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Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMENDMENT NO.** \_\_\_\_\_

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**Signature of Sponsor**

**AMEND Senate Bill No. 747\***

**House Bill No. 1073**

by deleting from § 36-2-101 of the amendatory language of SECTION 1 the figures and symbols “68-2-302” and by substituting instead the figures and symbols “68-3-302”.

AND FURTHER AMEND by deleting § 36-2-104(a)(5) of SECTION 1 in its entirety and by substituting instead the following:

(5) genetic tests have been administered as provided in Tennessee Code Annotated, § 24-7-112, an exclusion has not occurred, and the test results show a statistical probability of parentage of ninety-five percent (95%) or greater.

AND FURTHER AMEND by deleting the numbers and symbols “36-2-115” in § 36-2-115(a)(3)(A) of SECTION 1 and by substituting instead the numbers and symbols “36-2-118”.

AND FURTHER AMEND SECTION 1 by adding the following new sentence immediately after the first sentence of § 36-2-104(b):

Where the presumption arises as a result of the marriage of the mother and father and the child is still living, any action to rebut such presumption shall be brought within two (2) years of the birth of the child.

AND FURTHER AMEND by deleting § 36-2-104(c) of the amendatory language of SECTION 1 and by relettering subsequent subsections accordingly.

AND FURTHER AMEND by deleting from § 36-2-105 of the amendatory language of SECTION 1 the figures and symbols “68-2-302” and by substituting instead the figures and symbols “68-3-302”.

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AND FURTHER AMEND SECTION 1 by deleting the word "The" from the second sentence of § 36-2-105(b) and by substituting instead the language and punctuation "Except as hereinafter provided,".

AND FURTHER AMEND SECTION 1 by deleting the language of § 36-2-105(b)(4) in its entirety and by substituting instead the following:

(4) If the alleged father threatens or attempts to harm the complainant in any manner, the court may enter an order of protection pursuant to chapter 3, part 6 of this title.

Nothing in this subsection shall be construed to alter or increase the jurisdiction of the juvenile courts to issue orders of protection except when the parties are before the court in connection with a complaint filed pursuant to Section 36-2-101 et seq.

AND FURTHER AMEND § 36-2-105(b) of SECTION 1 by adding the following new subdivision (5):

(5) The complaint shall be verified by affidavit and shall charge the person named with being the father of the child and shall demand that the defendant appear before the court to respond to the charge. The action may be commenced by service of a summons as in civil cases and tried as a civil action. In the alternative, notice of the filing of the complaint shall be delivered to the defendant or his representative or shall be sent to the defendant at his last known address. If the defendant fails to make an appearance or file and answer to the complaint, the court may proceed as in civil cases or may issue a warrant for the apprehension of the defendant, directed to any officer in this state authorized to execute warrants, commanding such officer without delay to apprehend

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the alleged father and bring the alleged father before the court for the purpose of having an adjudication as to the paternity of the child, and such warrant may be issued to any county of this state. Nothing in this section shall be construed to prevent the court from compelling the attendance of the mother pursuant to law.

AND FURTHER AMEND by deleting § 36-2-106(b) of SECTION 1 in its entirety and by substituting the following:

(b) An action to establish parentage may be brought on behalf of a child in whose behalf a paternity action could have been brought under this chapter on August 16, 1984, but for whom no such action was brought, or for whom a paternity action was brought but was dismissed because the previous more restrictive statute of limitations was then in effect. Nothing herein shall be construed to permit the filing of any paternity action after the statute of limitations established by subsection (a).

AND FURTHER AMEND § 36-2-107(a) of SECTION 1 by redesignating the current language as subdivision (1) and by adding the following:

(2) The court shall have statewide jurisdiction over the parties involved in the case.

AND FURTHER AMEND by deleting the introductory language immediately following the language "36-2-109. Tests to Determine Parentage." of SECTION 1 and by deleting § 36-2-109(a) and (b) of SECTION 1 in their entireties and by substituting instead the following:

(a)(1) In any contested paternity case, unless the individual is found to have good cause under Section 454(29) of the Social Security Act (42 U.S.C. 654(29)), the court, or

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the department of human services in Title IV-D child support cases, shall order the parties and the child to submit to genetic tests to determine the child's parentage upon the request of any party if the request is supported by an affidavit of the party making the request:

(A) Alleging paternity, and setting forth facts establishing a reasonable possibility of the requisite sexual contact between the parties; or

(B) Denying paternity, and setting forth facts establishing a reasonable possibility of the nonexistence of sexual contact between the parties; or

(C) Denying paternity.

(2) In addition, upon the court's own motion, at such times as it deems equitable, or by administrative order by the department of human services in Title IV-D child support cases, tests and comparisons pursuant to this section and § 24-7-112 shall be ordered.

(b)(1) Absent the request of a party pursuant to subsection (a)(1), during any proceeding pursuant to this part in which the question of parentage arises, upon the motion of either party or on the court's own motion, the court shall at such time as it deems equitable, or the department of human services in Title IV-D child support cases, may order all necessary parties to submit to any tests and comparisons which have been developed and adapted for purposes of establishing or disproving parentage.

(2) In any proceeding pursuant to this part, the tests ordered shall be conducted by an accredited laboratory. In the case of genetic tests, and at such time as the Secretary of the United States Department of Health and Human Services of designates

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accreditation entities which acknowledge the reliability of types of genetic tests used in the establishment of paternity, such genetic tests shall be of the type which are generally acknowledged as reliable by accreditation entities designated by the Secretary and the genetic tests shall be performed by a laboratory approved by such a designated accreditation entity.

(3) The results of such tests and comparisons which are ordered pursuant to this section, including the statistical likelihood of the alleged parent's parentage, if available, may be admitted into evidence as provided in § 24-7-112(b).

AND FURTHER AMEND § 36-2-111(d) of SECTION 1 by deleting subsection (d) in its entirety and by substituting instead the following:

(d)(1) When the court enters an order in which the paternity of a child is determined or support is ordered, enforced or modified for a child, each individual who is a party to any action pursuant to this part shall be immediately required to file with the court and, if the case is a Title IV-D child support case, shall immediately file with the local Title IV-D child support office and shall update, as appropriate, the party's:

(A) Full name and any change in name;

(B) Social security number and date and place of birth;

(C) Residential and mailing addresses;

(D) Home telephone numbers;

(E) Driver's license number;

(F) The name, address, and telephone number of the person's employer; and,

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(G) The availability and cost of health insurance for the child.

The requirements of this subdivision may be included in the court's order.

(2) Each individual who is a party must update changes in circumstances of the individual for the information required by subdivision (d)(1) within ten (10) days of the date of such change. At the time of the entry of the first order pertaining to child support after the effective date of this act, clear written notice shall be given to each party of the requirements of this subsection, procedures for complying with the subsection and a description of the effect or failure to comply. Such requirement may be noted in the order of the court.

(3) In any subsequent child support enforcement action, the delivery of written notice as required by Tennessee Rule of Civil Procedure 5 to the most recent residential or employer address shown in the court's records or the Title IV-D agency's records as required in (d)(1) shall be deemed to satisfy due process requirements for notice and service of process with respect to that party if there is a sufficient showing and the court is satisfied that a diligent effort has been made to ascertain the location and whereabouts of the party.

(4) Upon motion of either party, upon a showing of domestic violence or the threat of such violence, the court may enter an order to withhold from public access the address, telephone number, and location of the alleged victims(s) or threatened victims of such circumstances. The clerk of the court shall withhold such information based upon the court's specific order but may not be held liable for release of such information.

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AND FURTHER AMEND by designating the language of § 36-2-112 of the amendatory language of SECTION 1 as subsection “(a)” and by adding the following new language, to be designated as subsection “(b)”:

(b) The department may apply for and utilize any federal grants for the purpose of implementing a pilot project for access and visitation programs. The department may contract with other persons or entities to establish the pilot projects which will be administered by the department; provided, however, in establishing any such pilot project through contract, the department shall give preference to existing family preservation services programs, family resource centers, headstart programs and other established programs for children.

AND FURTHER AMEND § 36-2-113(b) of SECTION 1 by deleting the third sentence in its entirety and by substituting instead the following:

If such order shall be abrogated by a later judgment or order of the same or a higher court, that fact shall be immediately communicated in writing to the commissioner on a form prescribed by the commissioner by the clerk of the court which entered such order, if the information is available in the court records.

AND FURTHER AMEND § 36-2-117 of SECTION 1 by deleting the period (.) at the end of the section and by adding the following language and punctuation:

except the departments of human services and health may keep records of out-of - wedlock births.

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AND FURTHER AMEND § 36-2-118(d)(1) of SECTION 1 by deleting the language “petitions of proceedings of the adoption” and by substituting instead the language “petitioners in proceedings for the adoption” in the second line.

AND FURTHER AMEND § 36-2-118(e) of SECTION 1 by redesignating the language of subdivisions (3) and (4) as subdivisions (f)(1) and (2) and by adding the following new subdivision (3) of subsection (e):

(3) Those persons who have filed only a written notice of intent to claim paternity of a child with the putative father registry either prior to, or within thirty (30) days after, the birth of such child.

AND FURTHER AMEND § 36-2-118(j) of SECTION 1 by adding the word “a” between the words “present” and “defense” in the sixth line.

AND FURTHER AMEND by deleting from § 36-2-118 of the amendatory language of SECTION 1 the figures, word and symbols “68-3-203 or” and by substituting instead the figures, word and symbols “68-3-302 or”.

AND FURTHER AMEND SECTION 1 by adding the following as a new Section:

SECTION \_\_\_\_\_. (a) Any petition for legitimization filed prior to the effective date of this act shall be adjudicated based upon the law in effect prior to the effective date of this act. Any order which results from a petition for legitimization in such circumstance shall be effective to establish all rights and responsibilities arising under the provisions of title 36, chapter 2, part 2 as it existed prior to the effective date of this act whether the order is entered on or after the effective date of this act.

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(b) Nothing in this act shall be construed to alter or disturb any rights which accrued to any person or responsibilities assumed by any person pursuant to title 36, chapter 2, part 2 of the Tennessee Code Annotated prior to the effective date of this act including the authority of the state registrar to issue certificates of birth pursuant to the provisions of title 68, chapter 3, part 3 for children who have been the subject of orders of legitimation pursuant to court orders entered before or after the effective date of this act which are based upon petitions filed prior to the effective date of this act and which petitions resulted in orders of legitimation for those children.

AND FURTHER AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application, and to that end the provisions of this act are declared to be severable.

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